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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,055	12/11/1998	JOHN DAVID MILLER	884.055US1	6122

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/210,055

Applicant(s)

MILLER, JOHN DAVID

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/30/02 for amendment C.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☐ Claim(s) 21, 23, 25, 27, 29-31, 33, and 35-36 is/are rejected.
- 7) ☐ Claim(s) 22, 24, 26, 28, 32, 34 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Claims **20-37** are pending in the present application.

### ***Response to Arguments***

Applicant's arguments filed July 30, 2002 have been fully considered but they are not persuasive. As addressed below, Shinohara anticipated the claims.

A.) Shinohara teaches the angle of incidence of the vector at the object surface (col. 8, lines 10-29; col. 9, lines 10-35; col. 10 to col. 11, line 10). Shinohara teaches the object surface when he discloses the planar surface of the polygon. The transparency is calculated based on the component of the normal vector at the vertex in relation to the object surface. Therefore, Shinohara teaches a normal vector uses the surface of a polygon to calculate, thus he is teaching the angle of incidence of the vector at the object surface.

B.) Shinohara teaches modulating when he discloses varying the components of the level of transparency of the polygon (col. 9, lines 10-35). At each level of a polygon the transparency level is changed due to the different degree(s) that is calculated.

### **Claim Objections**

Claim **22, 24, 26, 28, 32, 34, and 37** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Examiner searching for cosine function and non-linear function, in combination with the other elements of the claim, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **21, 23, 25, 27, 29-31, 33, and 35-36** are rejected under 35 U.S.C. 102(e) as being unpatentable by Shinohara (US Patent No. 5,880,735).

Re claim **21**, the prior art Shinohara teaches a method comprising identifying a vector normal to a viewing surface (col. 7, line 67 to col. 8, line 9; element line-of-sight corresponds to viewing surface) and incident at an object having a object surface, the vector creating an angle of incidence at the object surface (col. 8, lines 10-29); and modulating (col. 7, lines 9-25; element program executes corresponds to modulating because a computer program consisting of modules) the transparency of an image of the object as a function of the angle of incidence of the vector at the object surface (col. 9, lines 10-35; col. 10 to col. 11, line 10).

Re claims **23, 27, 33, and 36**, Shinohara discloses a linear function (col. 7, lines 37-50; col. 9, lines 37-51; col. 11, lines 13-22).

Re claims **30-31**, Shinohara discloses storage device comprises a memory (fig. 1-2). In figures 1-2, Shinohara teaches a frame buffer which is a type of storage device comprising of temporary memory.

Re claims **25, 29, and 35**, the limitations of claims 25, 29, and 35 are analyzed as discussed with respect to claim 21 above.

### ***Allowable Subject Matter***

Claim **20** is allowed.

The following is an examiner's statement of reasons for allowance: Examiner searching for assigning a function of  $\theta - \pi$  to  $\alpha$  if the mode is back\_only and comparing  $\alpha$  to zero, in combination with the other elements of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly

suggested by the prior art of record. The dependent claims being further limiting to the independent claim, definite, and enabled by the Specification are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703)

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308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

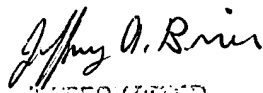
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan

  
JEFFERY BRIER  
PRIMARY EXAMINER

October 15, 2002